

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

BRANDON FIELDS

PETITIONER

v.

CIVIL ACTION NO. 3:16cv97-DPJ-JCG

MARSHALL FISHER

RESPONDENT

ORDER

This habeas case is before the Court on the Report and Recommendation [22] of United States Magistrate Judge John C. Garguilo. Judge Garguilo recommended that Respondent's Motion to Dismiss [19] be granted and that Petitioner's motions [9, 15] be denied. Petitioner Brandon Fields has not filed an Objection, and the time to do so has now passed.

On December 3, 2014, Fields pleaded guilty to a charge of being a convicted felon in possession of a firearm in Lauderdale County Circuit Court. In his petition, Fields complains that he was not sent to a restitution center pursuant to the terms of his plea agreement. Judge Garguilo concluded that Fields's petition was due to be dismissed for failure to exhaust available state-court remedies and for failure to state a claim. The undersigned agrees and adopts the Report and Recommendation in its entirety.

Accordingly, the Court adopts the Unopposed Report and Recommendation [22] as its opinion. Respondent's Motion to Dismiss [19] is granted, Fields's motions [9, 15] are denied, and Fields's petition is dismissed with prejudice.

A separate judgment will be entered in accordance with Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED this the 27th day of September, 2016.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE